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TRANSMITTAL FORM

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Application Number	09/707,592
Filing Date	November 7, 2000
First Named Inventor	Robert Cahn
Art Unit	3629
Examiner Name	N. Vig
Attorney Docket Number	1999-0415

Total Number of Pages in This Submission: 4

ENCLOSURES (Check all that apply)

- [ ] Fee Transmittal Form
  - [ ] Fee Attached
- [x] Amendment/Reply
  - [ ] After Final
  - [ ] Affidavits/declaration(s)
- [ ] Extension of Time Request
- [ ] Express Abandonment Request
- [ ] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [ ] Reply to Missing Parts/ Incomplete Application
  - [ ] Reply to Missing Parts under 37 CFR 1.52 or 1.53
- [ ] Drawing(s)
- [ ] Licensing-related Papers
- [ ] Petition
- [ ] Petition to Convert to a Provisional Application
- [ ] Power of Attorney, Revocation Change of Correspondence Address
- [ ] Terminal Disclaimer
- [ ] Request for Refund
- [ ] CD, Number of CD(s) _____
  - [ ] Landscape Table on CD
- [ ] After Allowance Communication to TC
- [ ] Appeal Communication to Board of Appeals and Interferences
- [ ] Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- [ ] Proprietary Information
- [ ] Status Letter
- [ ] Other Enclosure(s) (please Identify below):

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Law Office of Jeffrey M. Weinick, LLC		
Signature	David W. Herring		
Printed name	David W. Herring		
Date	November 23, 2005	Reg. No.	51,069

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	Risa Garcia		
Typed or printed name	Risa Garcia	Date	November 23, 2005

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Application No.	: 09/707,592	Confirmation No. 9679
Applicant	: Robert Cahn	
Filed	: 11/07/2000	
Group Art Unit	: 3629	
Examiner	: N. Vig	
Docket No.	: 1999-0415	

Title : METHOD FOR PRICING NETWORK BANDWIDTH SERVICES ON A VIRTUAL PRIVATE NETWORK

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

RESPONSE TO REQUEST FOR INFORMATION PURSUANT TO 37 CFR 1.105

Sir:

This is in response to the Request for Information dated September 23, 2005 in the above application.

The Request for Information first asks for clarification whether the cost discussed in the disclosure is the cost for a business to provide the services or the cost to customers for using the infrastructure. As is well known, the cost of providing services over each link in a network is important in making routing decisions in that network. As is also well known, the cost to the service provider of providing services is typically related closely to the cost to the consumer of those services. Therefore, as described at pages 8-10, and generally throughout the disclosure, the costs of services described therein represent a cost to both the service provider and the customer of that service.

The Request for Information next requests an example of how α is calculated. As discussed on pages 9-10 of the specification, α is a multiplication factor determined by a telephony service provider. This determination may take into consideration quantitative

factors, but it may also be based on a service provider's experience or upon historical values of α for a given customer segment that will result in a competitive cost being charged to that customer segment. As discussed at pages 9-10, if α is too low, then the service provider runs the risk of not valuing its services high enough and may therefore lose money. If α is too high, then the service provider risks overcharging for its services and, therefore, losing market share.

The Request for Information next requests additional disclosure material in the form of an additional example as to how the calculations associated with figures 2a, 2b and 2c were accomplished. However, for the data presented in Table 1 and Table 2, there is one optimum solution to determining the routing path across the network using the intermediate nodes selected in the description of Figures 2a, 2b and 2c. The original example associated with those figures, and discussed on pages 13-16 is clear. Those figures and the accompanying description generally show how an optimum flow from a hypothetical Start point to a hypothetical Finish point through a network can be created by selecting an optimal path between intermediate nodes in the network. As is described at pages 13-16, the data transfer costs of Table 2 are used to choose the lowest cost path to be used first in order to transmit data across the network. Thus, the initial cost of the data flow is a minimum. If the ingress path of the lowest cost path is saturated, then the second lowest cost path is also used. Similarly, if the second lowest cost path is saturated, the third lowest cost path is also used, etc. Since this iterative approach only uses the lowest cost paths available, the resulting network path for a communication is optimal as each step in the iteration produces an optimal flow.

Therefore, since there is one optimal flow corresponding to Tables 1 and 2, any other example would require the development of new tables. Thus, to the extent the Examiner is requesting the development of new tables for exemplary purposes, such an example is not readily available pursuant to 37 CFR 1.105(a)(3).

The Examiner appears confused as to whether various nodes are intermediate nodes or source/destination nodes. However, as it is clearly shown in FIGs. 2a, 2b, and 2c, the path between any hypothetical start node S and destination node Fin is created by

directed edges between the various network nodes. Each directed edge has a concrete start node and destination node. In the case of FIG. 2a, the directed edge between node E to node D, has a start node E and finish node D. Similarly, in FIG. 2b, the directed edge between node F and node D has start node F and finish node D. Accordingly, nodes D, E, F, A, B and other lettered nodes are intermediate nodes in satisfying a communication between hypothetical start node S and hypothetical finish node Fin.

The Request for Information next requests all "material, bound text or publication and any known publications, papers, brochures, manual and press releases that describe how to calculate cost of bandwidth used in MPLS network." The Request for Information also requests a list of keywords helpful in locating material associated with the calculation of the cost of bandwidth in a network. Applicants have previously filed Information Disclosure Statements on March 12, 2001 and March 21, 2001 that listed several references that detailed various aspects of the design of networks, including MPLS networks. Applicants also filed a previous Response to Request For Information on May 10, 2004 that included further information as well as a list of keywords for the use by the Examiner. To the extent further information or keywords are requested, that information is not readily available pursuant to 37 CFR 1.105(a)(3).

Allowance of all pending claims is requested.

Respectfully submitted,

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